

REMARKS

In an Official Communication dated May 6, 2003, the Examiner pointed out several inconsistencies between the clean and mark-up copies of the amendments submitted in response to the Office Action mailed November 22, 2002. The present substitute copies of the amended claims are intended to correct these inconsistencies. To the extent that inconsistencies in the clean and marked-up copies of the claims submitted on February 24, 2003 were the result of typographic errors in the document, their present correction has not been noted as an amendment (it being assumed that the amendments submitted on February 24, 2003 have not yet been officially entered).

The Examiner specifically pointed out that claim 12 as amended was dependant only on claim 10, while the marked-up copy reflected dependance on claims 10 or 11. Dependance on claim 11 had been removed by preliminary amendment on April 12, 2001, and the marked up copy of claim 12 has been corrected to reflect this. The Examiner also noted that claim 12 is now directed to a process where it was formally directed to a recombinant herpesvirus. However, this is not reflected in the prosecution history, as original claim 12 depended from claim 10, which was directed to a process for producing a recombinant herpesvirus. There was, however, an error in the amended claim 10 submitted with the most recent Response, which made claim 10 read as a recombinant herpesvirus – this error has now been corrected. Another typographical error in claim 18, part c) has also been corrected (“cells” should have read “cell,” as in the original claim).

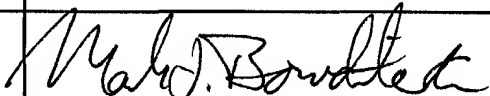
Upon careful review of the prosecution history of this case, the Applicant has discovered another possible source of confusion. In the November 22, 2002 Office Action, the Patent Office indicated that claims 30 and 31 had been re-numbered 29 and 30, because no claim 29 had been submitted in this application. A new claim 29 had in fact been submitted in the Preliminary Amendment filed on April 12, 2001:

“29. A cell, which contains a vector as claimed in claim 15.”

See Preliminary Amendment, page 2, and Paper 8, acknowledging the addition of new claim 29. Thus, the numbering of claims 30 and 31 was correct as originally submitted, and thus the present amendments reflect that numbering. The Examiner will note that there are few claims reflecting amendments, because the majority of amendments submitted with the Amendment and Response of February 24, 2003 were for the purpose of correcting the claim numbering, now shown to be unnecessary. Claim 29 would not have fallen with the presently elected Group I (recombinant herpesvirus and processes for making the same), and so would not be under consideration in any case.

CONCLUSION

Applicant respectfully requests entry of the present amendments, and for the reasons articulated in the Response filed February 24, 2003, reconsideration and withdrawal of the pending rejections. Favorable action on the claims is earnestly solicited.

RESPECTFULLY SUBMITTED,					
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